

117TH CONGRESS
2D SESSION

S. 407

AN ACT

To provide redress to the employees of Air America.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Air America Act of
3 2022”.

4 **SEC. 2. AIR AMERICA.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Air America, Incorporated (referred to in
7 this section as “Air America”) and its related cover
8 corporate entities were wholly owned and controlled
9 by the United States Government and directed and
10 managed by the Department of Defense, the Depart-
11 ment of State, and the Central Intelligence Agency
12 from 1950 to 1976.

13 (2) Air America, a corporation owned by the
14 Government of the United States, constituted a
15 “Government corporation”, as defined in section 103
16 of title 5, United States Code.

17 (3) The service and sacrifice of the employees
18 of Air America included—

19 (A) suffering a high rate of casualties in
20 the course of employment;

21 (B) saving thousands of lives in search and
22 rescue missions for downed United States air-
23 men and allied refugee evacuations; and

24 (C) lengthy periods of service in chal-
25 lenging circumstances abroad.

26 (b) DEFINITIONS.—In this section—

1 (1) the term “affiliated company”, with respect
2 to Air America, includes Air Asia Company Limited,
3 CAT Incorporated, Civil Air Transport Company
4 Limited, and the Pacific Division of Southern Air
5 Transport;

6 (2) the term “qualifying service” means service
7 that—

8 (A) was performed by a United States cit-
9 izen as an employee of Air America or an affili-
10 ated company during the period beginning on
11 January 1, 1950, and ending on December 31,
12 1976; and

13 (B) is documented in the attorney-certified
14 corporate records of Air America or any affili-
15 ated company;

16 (3) the term “survivor”, with respect to an indi-
17 vidual who performed qualifying service, means—

18 (A) a widow or widower of the individual
19 who performed qualifying service; or

20 (B) an individual who, at any time during
21 or since the period of qualifying service, was a
22 dependent or child of the individual who per-
23 formed qualifying service; and

24 (4) the terms “widow”, “widower”, “depend-
25 ent”, and “child” have the meanings given those

1 terms in section 8341(a) of title 5, United States
2 Code, except that that section shall be applied by
3 substituting “individual who performed qualifying
4 service” for “employee or Member”.

5 (c) CREDITABLE SERVICE.—Any period of qualifying
6 service shall be treated as creditable service for purposes
7 of subchapter III of chapter 83 of title 5, United States
8 Code.

9 (d) RIGHTS.—

10 (1) IN GENERAL.—An individual who performed
11 qualifying service or a survivor of such an indi-
12 vidual—

13 (A) shall be entitled to the rights, retro-
14 active as applicable, provided to employees and
15 their survivors for creditable service under the
16 Civil Service Retirement System under sub-
17 chapter III of chapter 83 of title 5, United
18 States Code, with respect to that qualifying
19 service; and

20 (B) may submit an application for benefits
21 based on the qualifying service to the Office of
22 Personnel Management not later than 2 years
23 after the effective date under section 2(g) of
24 this Act.

1 (2) INDIVIDUALS DECEASED BEFORE DATE OF
2 ENACTMENT.—A survivor of an individual who per-
3 formed qualifying service and became eligible, by
4 reason of this Act, for benefits based on the quali-
5 fying service under subchapter III of chapter 83 of
6 title 5, United States Code (but became deceased be-
7 fore the date of enactment of this Act)—

8 (A) may submit an application for benefits
9 based on the qualifying service to the Office of
10 Personnel Management not later than 2 years
11 after the effective date under section 2(g) of
12 this Act, disregarding any requirement that an
13 employee have filed an application while living;
14 and

15 (B) upon submission of the application
16 under subparagraph (A), shall be eligible for a
17 survivor annuity under section 8341 of title 5,
18 United States Code, equal to 55 percent (or 50
19 percent if the deceased individual retired before
20 October 11, 1962) of the self-only annuity (as
21 defined in section 838.103 of title 5, Code of
22 Federal Regulations (or any successor regula-
23 tion)) that otherwise would have been paid to
24 the deceased individual.

1 (e) DEDUCTION, CONTRIBUTION, AND DEPOSIT RE-
 2 QUIREMENTS.—The deposit of funds in the Treasury of
 3 the United States made by Air America in the form of
 4 a lump-sum payment apportioned in part to the Civil Serv-
 5 ice Disability and Retirement Fund in 1976 is deemed to
 6 satisfy the deduction, contribution, and deposit require-
 7 ments under section 8334 of title 5, United States Code,
 8 with respect to all periods of qualifying service.

9 (f) RULE OF CONSTRUCTION.—Nothing in this Act
 10 shall be construed to set any type of precedent for pur-
 11 poses of civil service retirement credit with the Civil Serv-
 12 ice Retirement and Disability Fund or any successor fund.

13 (g) EFFECTIVE DATE.—This Act shall take effect on
 14 the date that is 30 days after the date of enactment of
 15 this Act.

Passed the Senate June 14, 2022.

Attest:

Secretary.

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